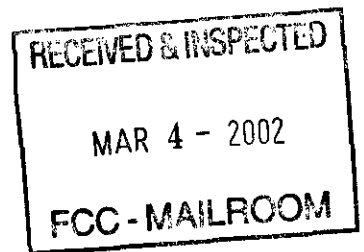


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WCVI-TV Serving The U.S. Virgin Islands • St. Croix ▲ St. Thomas St. John

The People's Channel

February 28, 2002

Mr. William Caton, Secretary
of the Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: Filing of Petition for Rulemaking

Dear Secretary Caton,

Enclosed for filing are an original and six copies of a Petition for Rulemaking for a change in the DTV Table of Allotments. Also enclosed is a "stamp and return" copy with a pre-addressed, stamped envelope for return to our station.

Thank you for your assistance and cooperation in this matter.

Yours truly,
Virgin Blue, Inc. WCVI-TV

Victor A. Gold, President/General Manager

enc.

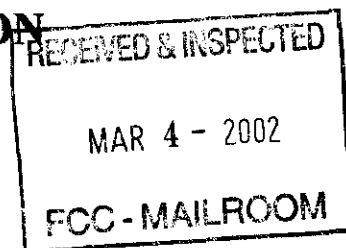
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BEFORE THE

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C.



In re:)
)
 AMENDMENT OF SECTION 73.622 (b)) MM Docket No.
 TABLE OF ALLOTMENTS FOR)
 DTV BROADCAST STATIONS)
 CHRISTIANSTED, VIRGIN ISLANDS)

TO: Chief, Allocations Branch
 Policy and Rules Division

PETITION FOR RULEMAKING

Virgin Blue, Inc. , licensee of commercial station WCVI-TV ("WCVI"), Channel 27, Christiansted, Virgin Islands, pursuant to the Commission's Rules, hereby requests that the Commission institute a rulemaking proceeding to amend CFR § 73.622(b) of its Rules to substitute DTV Channel 23 in lieu of DTV Channel 5 as WCVI's digital channel in Christiansted, Virgin Islands. This substitution of digital channels would serve the public interest. In addition as the attached technical documentation demonstrates, WCVI's proposed operation on Channel 23 will not cause impermissible interference to any other station.

WCVI proposes the following amendment to CFR § 73.622(b) of the Commission's Rules:

<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Christiansted, Virgin Islands	5, 20	20, 23

In support of this petition, WCVI submits the following:

A. A Petition for Rulemaking is the only Available Avenue of Relief for WCVI

WCVI is a local broadcast station operating as a primary affiliate of the United

Paramount Network (UPN).

WCVI has operated as a commercial station on analog Channel 27 in Christiansted, Virgin Islands since March 1, 2001, providing entertainment and informative programming, including children's programming to the Christiansted audience which had only one non-commercial (WTJX) and only one commercial broadcast TV station (WSVI) prior to the launching of WCVI. In the *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order* in MM Docket 87-268, FCC 98-24 (adopted January 29, 1998), the Commission allocated Channel 5 as the digital channel for WCVI. WCVI now seeks to substitute DTV Channel 23 in lieu of DTV Channel 5. WCVI makes this request for the following reasons:

- 1. As a relatively new broadcaster in a small, non-Nielsen rated, market, WCVI remains mindful of the costs of digital conversion and the substantial savings that are available by having a UHF digital channel (23) as compared to a VHF digital channel (5). The cost and physical size of DTV antennas for Channel 5 are both substantially greater than the cost and physical dimensions of DTV antennas for Channel 23. WCVI is presently located on a tower which is only 70 feet tall and has sought a minor modification to relocate to a tower that is approximately 100 feet tall. Tower rent for a DTV antenna on Channel 5 will be substantially greater than for a much smaller DTV antenna on Channel 23.**
- 2. The aforementioned "other" commercial TV station in Christiansted, WCVI, broadcasts its analog signal on Channel 8 and operates a low power analog translator (WFIG-LP) in Charlotte Amalie, Virgin Islands on Channel 5. The distance between WCVI's proposed digital transmitter site and WFIG-LP's translator is less than 75 kilometers. The separation table in CFR § 73.623 requires 273.6 Kilometers between co-channel analog and digital**

transmitters. While we understand that WFIG-LP is a low power station and not technically entitled to interference protection, it makes no sense for the digital progress of WCVI to result in interference which impedes the ability of the viewing audience to receive the signal of WSVI via it's low power translator WFIG-LP in Charlotte Amalie, Virgin Islands. Interference with this signal would result in added expense to WSVI to replace their translator with one on another channel while, at least temporarily, decreasing the number of households who previously received WSVI's signal via their channel 5 translator.

3. The only non-commercial TV station operating in the Virgin Islands is located in Charlotte Amalie and is affiliated with PBS and licensed as WTJX on analog channel 12. WTJX also operates a low-power analog translator (WO5AW) in the vicinity of Christiansted, Virgin Islands on Channel 5. The distance between WCVI's proposed digital transmitter site and WO5AW's translator is less than 6 kilometers. The separation table in CFR § 73.623 requires 273.6 Kilometers between co-channel analog and digital transmitters. Again, while we understand that WO5AW, as a low power station is not entitled to interference protection, it seems a great disservice to the public for the digital progress of WCVI to result in interference and impede the ability of the viewing audience to receive the signal of WTJX via it's low power translator WO5AW in the area of Christiansted, Virgin Islands. This would also result in an additional expense to this public broadcast station to provided a translator on a different channel and also decrease the number of households who previously received WTJX's signal via their channel 5 translator.

4. As demonstrated in the attached Engineering statement, DTV Channel 23 will work at the WCVI transmitter site and provide the requisite community coverage for the emerging DTV audience.

B. The Proposed Change to the Table of Allotments Will Serve the Public Interest

The Proposed Change to the Table of Allotments Will Serve the Public Interest during the transition period from analog to DTV by preserving the public's ability to view both low power translators on Channel 5 as well as the new digital broadcasts.

C. The Proposed Change to the Table of Allotments Will Not Result in Impermissible Interference with Surrounding Stations.

Under CFR § 73.622(f)(5) of the Commission Rules, an existing licensee with a DTV allotment may seek a change in the station's channel if the licensee demonstrates that the change "complies with the technical criteria in CFR § 73.622(c), and thereby will not result in new interference exceeding the *de minimus* standard set forth in that section..." In accordance with these rules, WCVI requests that the Commission substitute DTV Channel 23 for DTV Channel 5.

As the engineering statement accompanying this petition demonstrates, the proposed operation of WCVI-DT on Channel 23 with ERP of .85 kW (utilizing an omnidirectional antenna) and HAAT of no greater than 130.2 meters would in fact result in no impermissible interference to any other station. It should be noted that WCVI has a pending application (file No. BPCT-20020221AAZ) for a minor modification to move the transmitter location a distance of .4 km. Additionally, a request for a six month extension of time from the granting of a construction permit for channel 23 has been made contemporaneously with this filing. The proposed site, which is to accommodate both the analog and digital transmitters will result in the radiation center of the antenna being 9.2 meters higher than the site at which the digital allocation for channel 5 was granted with 1.0 kW average power. Utilizing the formula $dB = 20 \log (H_1 / H_2)$ as required by CFR § 73.622(f)(3)(i) and allowing the radiation center to be up to 10 meters higher than that allocated, a corresponding reduction in power is made so as

to maintain the identical service contour to the community of license. The reduction in ERP to .85 kW as noted above will meet this requirement in accordance with CFR § 73.622(f)(3)(i).

CONCLUSION

For all of these reasons, WCVI requests that the Commission institute a rulemaking proceeding to amend CFR § 73.622 of its Rules to substitute DTV Channel 23 for DTV Channel 5 as the paired channel for WCVI in Christiansted, Virgin Islands. If the Commission grants this petition and modifies the DTV Table of Allotments accordingly, WCVI is committed to constructing its DTV station on Channel 23 within 6 months from the granting of a Construction Permit for DTV Channel 23.

Respectfully submitted,
VIRGIN BLUE, INC. WCVI-TV

By: 

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**Channel Change Analysis
WCVI-DT
Christiansted, Virgin Islands**

WCVI-DT in Christiansted, Virgin Islands has been allotted channel 5 for DTV operation. The paired analog station operates on channel 27. WCVI-DT wishes to change the DTV allotment to Channel 23 for technical and economic reasons. Technical reasons include interference to two low power translators for analog broadcasters on channel 5 and the greater expense for equipment to broadcast on VHF digital channel 5.

An analysis has been performed to determine the feasibility of the proposed channel change. The study assumed that WCVI-DT would operate on channel 23 at .85 kW ERP with an omni-directional antenna with the radiation center 130.2 meters above mean sea level, less than 10 meters above the allotted elevation with a corresponding power decrease in accordance with the provisions of CFR § 73.622(f)(3)(i). The proposed channel change from VHF channel 5 to UHF channel 23 is in strict accordance with all of the separation requirements set forth in CFR § 73.623(d)(2) for all DTV allotments and TV stations.

On the following page is a tabulation of the height above average terrain (HAAT) for the standard 8 radials plus the HAAT toward the community of license along with the distances to the 41dBu contour. This is followed by a plot of the service contour predicted by the Longley-Rice propagation model verifying that the proposed facility provides more than adequate service to the community of Christiansted, Virgin Islands as required by CFR § 73.623(d)(1) and CFR § 73.625(1).

Prepared by Victor A. Gold, Chief Engineer for WCVI-DT

VIRGIN BLUE, INC. WCVI-TV
DTV Channel 23 Zone 2
ENGINEERING SPECIFICATIONS

TERRAIN AND COVERAGE DATA

ERP = .85 kW

RCAMSL = 158 meters

HRCAAT = 130.2 meters

Site Location

N 17° 44' 40"

W 64° 43' 40"

Azimuth Degrees True	Average Radial Elevation (Meters)	Radiation Center HAAT (Meters)	41 dBu Contour Distance (Kilometers)
0.0	0.0	158.0	44.4
45.0	0.0	158.0	44.4
90.0	54.5	103.5	40.5
135.0	13.9	144.1	43.5
180.0	6.7	151.3	44.0
225.0	10.3	147.7	43.7
270.0	130.6	27.4	26.6
315.0	6.2	151.8	44.0
Average:	27.8	130.2	

Bearing to Christiansted , Virgin Islands = 79.7 degrees

Distance from site to Christiansted , Virgin Islands = 2.6 kilometers

Secretary of State
Washington, D.C.

